1939-1951.

Pt. II

File No. 31 H0/36

A CLASS

P.W **DEPARTMENT**

E. **BRANCH**

Subject:— Territorial charges

Establishment Sub. Divisional

Bringing on the Permanent Estabt.

A[K]

Pt. II

File No. 31H0/36 — E Br.

Edl. Secrt. Bldg. 24 A

G R., G D., No 2408, dated 22-5-22.]

Correspondence

DOCKET SHEET (B)

Subject :—

File No. 3140/36 - II

P.W DEPT.

E BRANCH.

References :—

Date.	To whom sent.	Notes and instructions.

Making sub-divisional Establishment permanent.

GOVERNMENT OF BOMBAY.

Public Works Department.

Resolution No.3140/36.

Bombay Castle, 13th December 1940.

Read Government Resolutions, Public Works Department, No. 3140/36, dated the 15th May 1939 and the 12th December 1940.

Government Memorandum, Public Works Department, No.3140/36-I, dated the 30th April 1940, as under-

With reference to his letter No.1687, dated the 20th March 1940, the Superintending Engineer, Deccan Irrigation Circle, is informed with compliments, that according to Bombay Civil Services Rule 240 (i) and Government Resolution Finance Department No.799/3, dated the 13th April 1934, only the temporary service rendered as Sub-divisional clerks will count for pension in the case of the Sub-divisional clerks made permanent from the 1st April 1939. The temporary service rendered in posts other than these of Sub-divisional clerks will not count for pension. All the temporary service rendered as Sub-divisional clerks will count for pension, even if it was not continuous but interrupted by an intervening period of service in posts other than these of Sub-Divisional clerks. If there was break in service, pension inadmissible only for the continuous service subsequent to the break.'

Letter from the Superintending Engineer, Deccan Irrigation Circle, No.4654, dated the 7th August 1940, as under:-

' With reference to Government Memorandum, Public Works Department, No.3140/36-I, dated 30th April 1940, I have the honour to report that there are cases, in which a sub-divisional clerk, in the interest of Government work, has been attached to a Divisional office in a leave or vacancy and his lien kept on the temporary post in the Sub-Division.

2. Similarly a sub.divisional clerk was made a Sub- Cashier on famine work for 2 considerable periods and then returned to the Sub-divisional.

3. According to the above mentioned memorandum these periods away from the Sub-division are not to count for pension which appears to me inequitable. I would therefore submit that if the absence from the Sub-division was in the interest of Government work the period of absence should be also count for pension.

"4. In some other cases the Accountant General, Bombay, declines to admit the claims for pension of some of the retired Sub-divisional clerks unless the Executive Engineers concerned certify that the same temporary posts which the sub-divisional clerks in question were holding from time to time have been made permanent. The Executive Engineers are not in position to give such a certificate because the Sub-divisions or the offices of the Inspecting Assistant Engineers have since been closed and certainly it is difficult to certify in the manner suggested by the Accountant General, Bombay.

"5. In accordance with Government Memorandum, Public Works Department, No.3140/36-E, dated the 30th April 1940, referred to in the beginning of this letter a certificate that the clerks concerned rendered service as sub-divisional clerks, was given. In spite of the above the Accountant General insists that the pension papers should be modified suitably.

"6. Under the circumstances stated above, I would request that the Accountant General, Bombay, may please be informed that the temporary service rendered as sub-divisional clerks in the Sub-divisions and offices of the Inspecting Assistant Engineers in the Deccan Irrigation Circle may be admitted for pension without insisting on the certificate as stated in paragraph 4 above.".

Memorandum from the Accountant General, Bombay, No.PR.Mis. 10/4515/, dated the 16th October 1940, stating thereunder:-

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'2. The officiating service of Temporary Sub-divisional clerks appointed to officiate on the permanent establishment counts towards pension under Rule 240(2) of Bombay Civil Service Rules provided they are confirmed without interruption. It is open to Government to treat the service of temporary sub-divisional clerks confirmed on 1st April 1939 as sub-divisional clerks, rendered on some other temporary establishment as pensionable under Rule 248 of the Bombay Civil Services Rules. . .

'3. * * * The object of the certificates called for is to see that the service of the sub-divisional clerks was either actually rendered in the temporary posts converted in permanent posts, or could be treated as having been rendered in these posts under the principles laid down in paragraph 4(2) of the Government of India, Finance Department, Letter No.F.11-II-II/R-I I/34, dated 19th February 1934, embodied in Government Resolution, Finance Department, No.799/33, dated 13th April 1934. From paragraph 4 of the Superintending Engineer's letter, dated 7th August 1940, it would appear that the required certificates could not be given because of the temporary posts in which service was rendered were abolished. Service in such abolished posts cannot count under Bombay Civil Services Rule 240(1) but the Government may if they are satisfied by a Special order under Bombay Civil Services Rules 248 permit this service as well as service rendered in temporary posts not made permanent, to count for pension. In that case there will be no necessity to furnish the certificates required for seeing whether the conditions in Bombay Civil Services Rules 240(i) are satisfied'.

RESOLUTION:— Government is pleased to direct that service in posts other than those of sub-divisional clerks should be allowed to count for pension in those cases where sub-divisional clerk, transferred in the interest of Government service to another post which is not made permanent, returns to his original post in the Sub-division.

2. Cases of the nature referred to in paragraph 4 of the letter of the Superintending Engineer, Deccan Irrigation Circle, No.4654, dated the 7th August 1940, where the certificate required by the Accountant General, Bombay, cannot be furnished should be referred to Government for orders/as and when they arise.

By order of the Governor of Bombay.

(R.H. Hamnett.)

Deputy Secretary to Government.

G.R. No.3140/36, P.W.D., dated the 13th December 1940.

To:-

The Finance Department.

The Superintending Engineers of Circles.

The Electrical Engineer, to Government.

The Accountant General, Bombay (through the Finance Department).

All Executive Engineers of Divisions.

No. of 1940.

Copy forwarded for information and guidance of.

(For orders, please see resu No. 5048/36 dt the 20-8-41.)

7/1/41.

Making Sub-Divisional Establishment permanent.

GOVERNMENT OF BOMBAY.

Public Works Department.

Resolution No.3140/36.

Bombay Castle, 1st April 1941.

Read Government Resolutions No. 3140/36,dated the 15th May 1939,12 th December 1939 and the 13th December 1940.

Government Memorandum to the Superinting Engineer,Southern Division, and the Accountant General, Bombay, No. E. 4301, dated the 10th April 1919, as under:-

" The undersigned presents compliments to the Superintending Engineer,Southern Division, and with reference to his letter No. 5368,dated the 11the December, Accountant General, Bombay, memorandum No.P.W. III-6-1764,dated the 11th February 1918 , is directed to state that the question regarding the revision of the rules governing works-charged establishment is at present under the consideration of the Government of India and that pending the issue of final orders on the subject all Sub-divisional establishments in which are more or less of a permanent nature should be brought on to the temporary list and not charged to works, irrespective of the fact whether the sub-division may be in charge of a subordinate or a gazetted officer.Only such persons as are employed for short periods on some definite works and whose services are dispensed with on its completion should be charged to works. Government do not consider that there ought to be any difficulty in sorting out the men who should be charged to 'temporary establishment' and who to 'works' on the principles enunciated above'.

Read endorsement on the above to the Superintending Engineers, Northern Division,Central Division,Deccan Irrigation Division,etc., No.E.4302, dated the10th April 1919.

Read letter to the Government of India, Department of

department of Labour,No.3140/36-E, dated the 31st August 1939.

Read letter to the Government of Sind,Public Works Department, No. 3140/36-E, dated the31st August 1939.

Letter from the Government of Sind,Public Works Department, No.3300-E dated the 15th February 1040, as under:-

"With reference to your letter No. 3140/36-E dated, the 31st August 1939,I am directed to state that this Government regret that they cannot agree to meet the increased pensionary liability consequent on the work charged service of Sub-divisional staff,being allowed to count for pension, in view of the Government of Bombay (Finance Department) Memorandum No. 2407/33-C, dated the 23rd October 1939, addressed to the Accountant General,Bombay,Wherein it hasbeen decided that whenever service offer than pensionable service is permitted to be treated as duty counting for pension, the cost of increased liability should be wholly debited to the Province concerned'.

Letter from the Accountant General,Bombay,No.P.R.Mis.-10/6106, dated the 23rd November 1940, as under:-

" In continuation of this office endorsement No.P.R.Mis.10/3928, dated 23rd August 1940, on the subject noted above,I have the honour to state that from the statements received from the Superintending Engineers it is seen that there is no necessity to allow any work -charged service prior to 1st April 1921 as without that service all the men concerned will be completing the required period of duty for full pension on the date of superannuation.If therefore work charged service after 1st April 1921 only is allowed to be counted in the case of Sub-divisional Clerks made permanent, there will be no liability falling in the Central Government on account of their pension.

RESOLUTION : Government is pleased to direct that the clerks and inferior servants in the sub-divisional offices of the Roads and Buildings Divisions who have been made permanent should be allowed to count towards pension the work charged service rendered by them in the posts which were brought on the temporary establishment in 1919 and have been made permanent in Government Resolution No.3140/36,dated the 15th May 1939.The increased pensionary liability involved on account of these orders should be wholly borne by this Government.

2. It is not necessary to allowwork- charged service rendered in Irrigation Division till 1919 to count towards pension as without that service the sub-divisional clerks and the inferior servants concerned will complete the required period of duty for full pension on the date of superannuation.If, however, an a sub-divisional clerk or an inferior servant retired or retires in future before the age of superannuation, he should be allowed to count them towards pension the work charged service rendered by him in the posts which were brought on the temporary establishment in 1919 and have been made permanent in Government Resolution No. 3140/36, dated the 15th May 1939 and the extra cost involved in such case should be borne entirely by him.

By order of the Governor of Bombay.

Sd/-
R.H.Hammett.

for Deputy Secretary to Government .

G.R. No.3140/36,P.W.D.,dated the 1st April 1941.

To.
the Finance Department,
The Government of Sind (by letter)
The Superintending Engineers of Circles,
The Electrical Engineers to Government,
The AccountantGeneral,Bombay (through the Finance Department).
The Consulting Public Health Engineer to Government,
All Executive Engineers of Divisions.

No. of 1941.

Copy forwarded for information and guidance to.

23/4/-